

## **Part 5**

### **Unlawful and Unprofessional Conduct - Penalties**

#### **58-28-501 Unlawful conduct.**

Unlawful conduct includes, in addition to the definitions in Section 58-1-501:

- (1) fraudulently issuing or using any health certificate, inspection certificate, vaccination certificate, test chart, or any other certificate relating to the existence of animal diseases or the sale of animal products for human consumption;
- (2) willfully misrepresenting any findings in the inspection of foodstuffs of animal origin; and
- (3) fraudulently misapplying or reporting any intradermal, cutaneous, subcutaneous, serological, or chemical test.

Enacted by Chapter 109, 2006 General Session

#### **58-28-502 Unprofessional conduct.**

(1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:

- (a) applying unsanitary methods or procedures in the treatment of any animal, contrary to rules adopted by the board and approved by the division;
- (b) procuring any fee or recompense on the assurance that a manifestly incurable diseased condition of the body of an animal can be permanently cured;
- (c) selling any biologics containing living or dead organisms or products or such organisms, except in a manner which will prevent indiscriminate use of such biologics;
- (d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the practice of veterinary medicine, surgery, or dentistry;
- (e) willful failure to report any dangerous, infectious, or contagious disease, as required by law;
- (f) willful failure to report the results of any medical tests, as required by law, or rule adopted pursuant to law;
- (g) violating Chapter 37, Utah Controlled Substances Act;
- (h) delegating tasks to unlicensed assistive personnel in violation of standards of the profession and in violation of Subsection (2); and
- (i) making any unsubstantiated claim of superiority in training or skill as a veterinarian in the performance of professional services.

- (2)
- (a) "Unprofessional conduct" does not include the following:
    - (i) delegating to a veterinary technologist, while under the indirect supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technologist by the veterinarian;
    - (ii) delegating to a veterinary technician, while under the direct supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technician by the veterinarian; and
    - (iii) delegating to a veterinary assistant, under the immediate supervision of a licensed veterinarian, tasks that are consistent with the standards and ethics of the profession.
  - (b) The delegation of tasks permitted under Subsection (2)(a) does not include:
    - (i) diagnosing;
    - (ii) prognosing;

- (iii) surgery; or
- (iv) prescribing drugs, medicines, or appliances.

Amended by Chapter 61, 2015 General Session

**58-28-503 Penalty for unlawful or unprofessional conduct.**

- (1) Any person who violates the unlawful conduct provisions of Section 58-28-501 is guilty of a third degree felony.
- (2) After proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act, and Chapter 1, Division of Occupational and Professional Licensing Act, the division may impose administrative penalties of up to \$10,000 for acts of unprofessional conduct or unlawful conduct under this chapter.
- (3) Assessment of a penalty under this section does not affect any other action the division is authorized to take regarding a license issued under this chapter.

Amended by Chapter 382, 2008 General Session